

Service Date: February 17, 1987

FINAL ORDER NO. 5768

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9029
JOHN E. WARD, JR., Eureka, Montana)	
for a Certificate of Public Conven-)	ORDER NO. 5768
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 5, 1986, John E. Ward, Jr., P.O. Box 278, Eureka, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity. Applicant currently holds Certificate PSC No. 7588 which authorizes the following: Class C - Logging, construction, farming and industrial machinery and equipment and vehicles, and parts and supplies for the same between all points and places in Flathead and Lincoln Counties, with headquarters at Eureka, Montana. Applicant proposed to amend the logging and construction equipment authority from a Class C to a Class B.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public January 7, 1987. That notice said in pertinent part:

If no written protests are received by January 27, 1987, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled.

Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Hornoi Transport, Inc., Miles City, Montana and H.F. Johnson, Inc., Billings, Montana. On February 2, 1987, Applicant restrictively amended his application to prohibit the transportation of petroleum and petroleum products in bulk in tank vehicles. Protests were subsequently withdrawn.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 9th day of February, 1987, there being present a quorum of Commissioners, there came

regularly before the Commission for final action the matters and things in Docket No. T-9029, and the Commission being fully advised in the premises;


IT IS ORDERED by the Commission that the application of John W. Ward, Jr., Fureka, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B: Logging and construction equipment (and parts and supplies for the same) between all points and places in Flathead and Lincoln Counties, Montana. Limitations: Transportation of petroleum and petroleum products in bulk in tank vehicles is prohibited.

IT IS FURTHER ORDERED that Certificate of Public Convenience and Necessity, PSC No. 7588, Class C contract authority, issued January 31, 1984, be returned to the offices of the Public Service Commission for cancellation of that authority duplicated by this newly granted Class B authority.


IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 9th day of February, 1987, by a vote of 5 - 0.


BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.


HOWARD L. ELLIS, Vice Chairman



TOM MONAHAN, Commissioner


DANNY OBERG, Commissioner


JOHN B. DRISCOLL, Commissioner


CLYDE T. JARVIS, Chairman

ATTEST:


Ann Purcell
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.